

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks.

Status of Claims

Claims 21-24 have been amended and claims 1-16 were previously canceled without prejudice or disclaimer of the subject matter contained therein. Claims 17-24 are currently pending in the application of which claims 17, 22, 23, and 24 are independent.

No new matter has been introduced by way of the claim amendments.

Summary of the Office Action

Claims 17-24 were rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement.

Claims 17-24 were rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 24 was rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter.

Allowable Subject Matter

The indication that claims 17-24 appear to be allowable over the cited prior art of record is noted with appreciation. It is respectfully submitted that all of the pending

rejections have been addressed and/or overcome by virtue of the amendments to the claims and the discussion below.

Drawings

The indication that the formal drawings filed with the application are accepted is noted with appreciation.

Information Disclosure Statement

The indication that the documents cited in the Information Disclosure Statement submitted on September 29, 2006 have been considered is hereby acknowledged with appreciation.

Claim Rejection Under 35 U.S.C. §112, first paragraph

Claims 17-24 were rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement containing subject matter. More particularly, the Office Action asserts that the “step or means for determining whether a measurement value is valid” is not clearly discussed in the specification or the drawings. This rejection is respectfully traversed for at least the following reasons.

Initially, the validity of the measurement values pertain to whether or not the measurement values were received from sensors 24 that have been determined to have failed. Specification, page 17, lines 10-12. Thus, for instance, measurement values from sensors determined to have failed may be removed from consideration. In addition, therefore, the means for determining whether a measurement value obtained by time-sequentially

measuring a measurement object is valid comprises the filter section 408 depicted in Figure 4 and introduced on page 10, line 18 of the specification. Likewise, the filter section 408 performs the claimed step of determining whether a measurement value obtained by time-sequentially measuring a measurement object is valid. See, e.g., Specification, page 18, lines 5-10.

For at least the foregoing reasons, it is respectfully submitted that the originally filed specification and drawings provide adequate support for the claimed step and means of determining whether a measurement value is valid. The Examiner is therefore respectfully requested to withdraw the rejection of claims 17-24.

Claim Rejection Under 35 U.S.C. §112, second paragraph

Claims 17-24 were rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 17-22

The Office Action asserts that claims 17-22 include elements recited as means plus function limitations, however, that the written description fails to clearly link or associate the disclosed structure, material, or acts to the claimed function. As will become clear from the following discussion, the written description does clearly link or associate the disclosed structure with the claimed elements.

The validity determining means comprises the filter section 408 discussed initially on page 10, line 18 of the specification. In addition, the reference generating means comprises

the statistic processing section 420 discussed, for instance, on page 19, lines 13-26 of the specification. Moreover, the diagnosing means comprises the diagnostic section 416 discussed, for instance, on page 20, line 20 to page 21, line 9 of the specification.

The foregoing discussion states on the record where the corresponding structure, material, or acts are set forth in the written description of the specification that perform the claimed functions. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 17-22.

Claim 22

The Office Action asserts that it is unclear whether the “transport means” in claim 22 is intended to invoke 35 U.S.C. §112, sixth paragraph because a function with the “means” is not recited. By virtue of the amendment above, claim 22 has been amended to recite “transporting means”. As such, the function of “transporting” has been recited with the claimed means.

Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 22.

Claim 24

The Office Action asserts that it is unclear as to whether the “diagnosing step of” claimed in claim 24 is intended to invoke application of 35 U.S.C. §112, sixth paragraph. It is respectfully submitted that the elements recited in claim 24 are not intended to invoke application of 35 U.S.C. §112, sixth paragraph, but instead, are intended to recite method steps in a computer program. In addition, because claim 24 does not recite “means for” or “step for”, claim 24 cannot be amended as suggested by the Office Action.

Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 24.

Claims 21-24

Claim 21 has been amended to remove the allegedly confusing language to better comply with the provisions of 35 U.S.C §112, second paragraph. In addition, claims 22-24 have been amended to introduce the “statistic processing” with an “a”, thereby obviating the lack of antecedent basis rejection.

Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 22-24.

Claim Rejection Under 35 U.S.C. §101

Claim 24 was rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter. Claim 24 has been amended as suggested by the Examiner and is thus clearly directed to statutory subject matter.

Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 24.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited. Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed

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below. Please grant any required extensions of time and charge any fees due in connection with this request to Deposit Account No. 08-2025.

Respectfully submitted,

Dated: October 28, 2009

By



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